



J. Ashley Cooper
Partner
Telephone: 843.727.2674
Direct Fax: 843.727.2680
ashleycooper@parkerpoe.com

SA ✓
Parties ✓
POSTED
3-18-2020

290994
Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

March 18, 2020

Via Hand Delivery

Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, SC 29211

RECEIVED

MAR 18 2020

PSC SC
MAIL / DMS

de
1144 AM

**Re: Ganymede Solar, LLC – Request for Approval of Confidential Settlement Agreement and Mutual Release and Confidential Treatment
Docket Number 2019-390-E**

Dear Ms. Boyd:

Dominion Energy South Carolina, Inc. ("DESC") hereby files with the Public Service Commission of South Carolina (the "Commission"), and seeks approval of, the enclosed Confidential Settlement Agreement and Mutual Release (the "Settlement") between DESC and Ganymede Solar, LLC ("Solar Developer"), with such approval to be made effective as of March 13, 2020, the effective date of the Settlement.

Solar Developer plans to construct an approximately 75 MW solar generating facility that will be a Qualifying Facility under 18 C.F.R. § 292.204. Solar Developer entered into an Interconnection Agreement with DESC on May 7, 2018, which was amended on June 15, 2018 (as amended, the "IA"). On December 20, 2019, Solar Developer filed a Motion to Maintain Status Quo (the "Motion") and a Petition (the "Petition") in the above-referenced docket. Now, the parties have entered into the Settlement, subject to the approval of the Commission, to amicably resolve the issues pertaining to the Motion and the Petition. Upon approval by the Commission, the parties will submit a Joint Motion to Withdraw the Motion and the Petition.


However, due to the commercially sensitive and proprietary nature of the Settlement, as well as the highly competitive nature of the industry in which Solar Developer and DESC operate, DESC and Solar Developer have agreed to keep the terms of the Settlement confidential. In accordance with the terms of the Settlement, DESC and Solar Developer respectfully request that the Commission find that the Settlement contains protected information and issue a protective order barring the disclosure of the Settlement under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 et seq., S.C. Code Ann. Regs. 103-804(S)(1), or

any other provision of law. Pursuant to S.C. Code Ann. Regs. 103-804(S)(2), the determination of whether a document may be exempt from disclosure is within the Commission's discretion.

To this end, and in accordance with Commission Order No. 2005-226, dated May 6, 2005, in Docket No. 2005-83-A, we enclose with this letter a redacted version of the Settlement that protects from disclosure the sensitive, proprietary and commercially valuable information, while making available for public viewing non-protected information. We also enclose a copy of the unredacted Settlement in a separate, sealed envelope and respectfully request that, in the event that anyone should seek disclosure of this unredacted version, the Commission notify DESC of such request and provide it with an opportunity to obtain an order from this Commission or a court of competent jurisdiction protecting the Settlement from disclosure.

Enclosed are the following:

1. A true and correct copy of the original Settlement in a sealed envelope marked "CONFIDENTIAL." Each page of the Settlement is also marked "CONFIDENTIAL."
2. Ten (10) copies of a redacted copy of the Settlement for filing and public disclosure.

By copy of this letter, we are providing the South Carolina Office of Regulatory Staff ("ORS") with a redacted copy of the Settlement for its records. Additionally, DESC will make the original, unredacted copy of the Settlement available to ORS for its review. 

In conclusion, DESC and Solar Developer respectfully request that the Commission approve the Settlement with an effective date of March 13, 2020. Thank you for your assistance and consideration of this matter. If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,



J. Ashley Cooper

JAC:hmp

cc: (Via Electronic Mail and First Class Mail)
Alexander W. Knowles, Esquire
Christopher Huber, Esquire
Richard L. Whitt, Esquire

CONFIDENTIAL SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This CONFIDENTIAL SETTLEMENT AGREEMENT AND MUTUAL RELEASE (the "Agreement") is made and entered into by and between Ganymede Solar, LLC ("Ganymede"), and Dominion Energy South Carolina, Inc. ("DESC"), this 13th day of March, 2020 (the "Effective Date"). Ganymede and DESC are collectively referred to herein as the "Parties."

WHEREAS, on December 20, 2019, Ganymede filed a Petition (the "Petition") with the Public Service Commission of South Carolina (the "Commission") in Docket No. 2019-390-E seeking a modification of its Interconnection Agreement with DESC, dated May 7, 2018, and amended on June 15, 2018 (as amended, the "Original IA"), for a 75 MW solar project (the "Project");

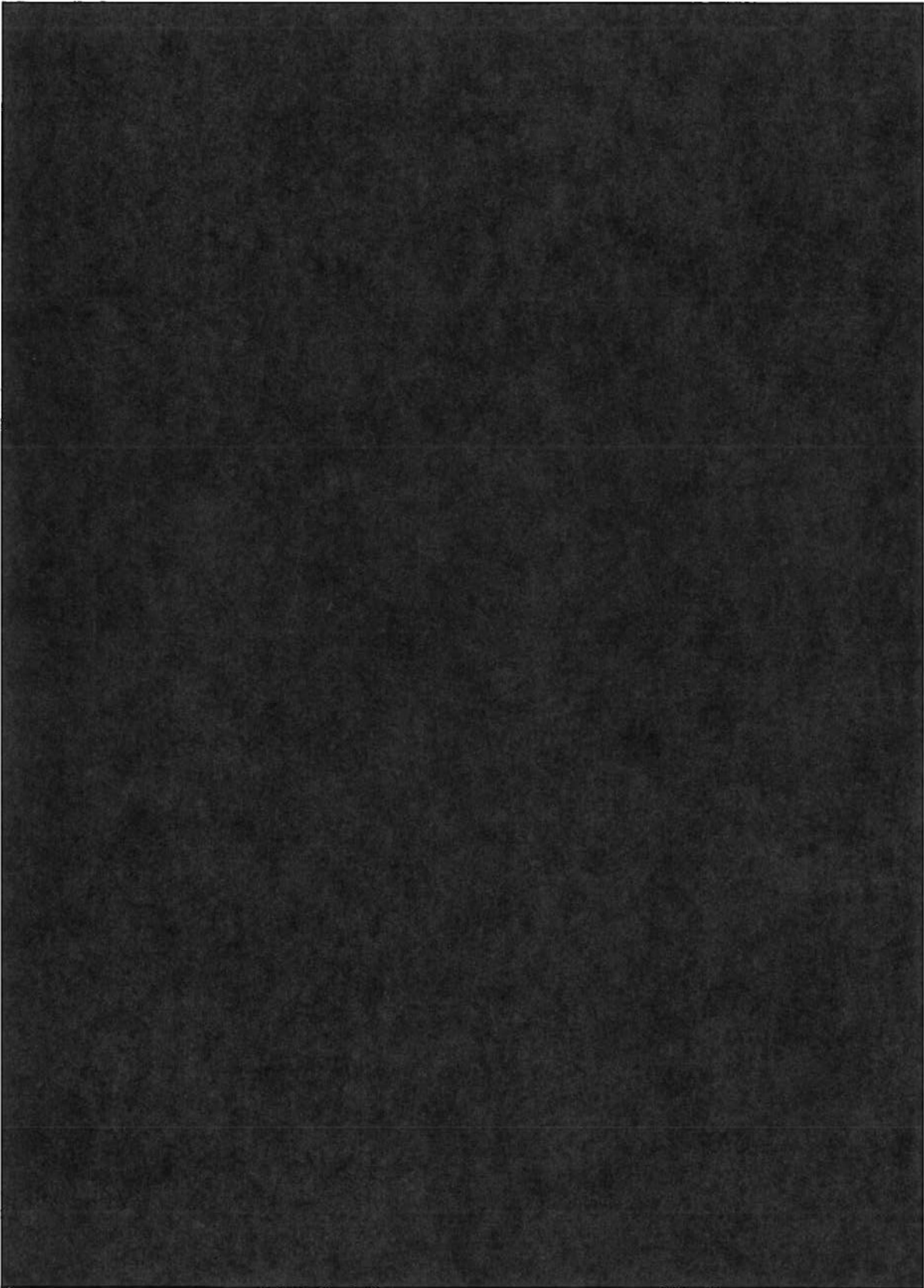
WHEREAS, on December 20, 2019, Ganymede also filed a Motion to Maintain Status Quo (the "Motion") to toll its obligations under the Original IA while the Commission addressed the issues underlying the Petition;

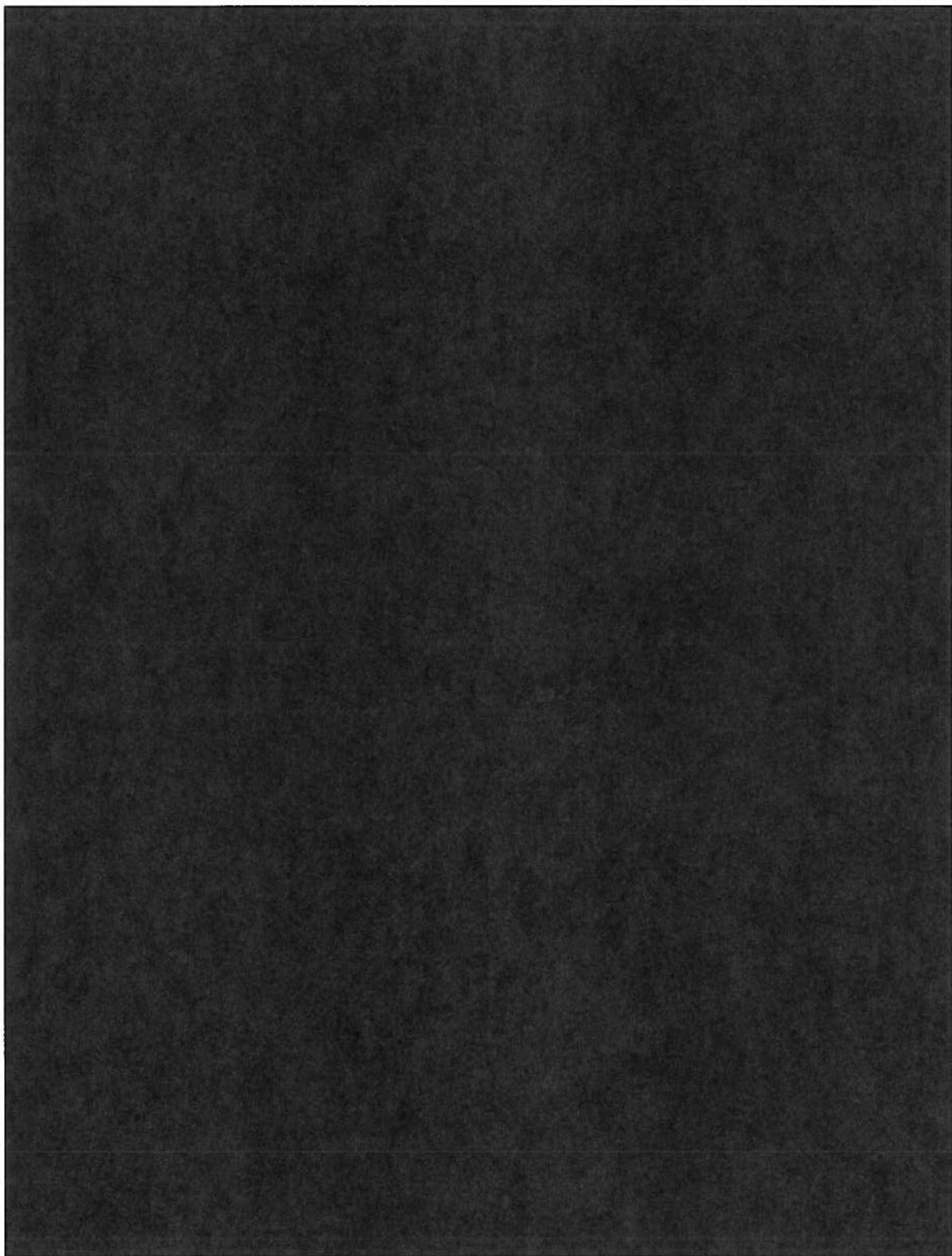
WHEREAS, DESC opposes Ganymede's allegations set forth in the Petition and the Motion, and opposes the relief sought before the Commission by and through the Petition and the Motion;

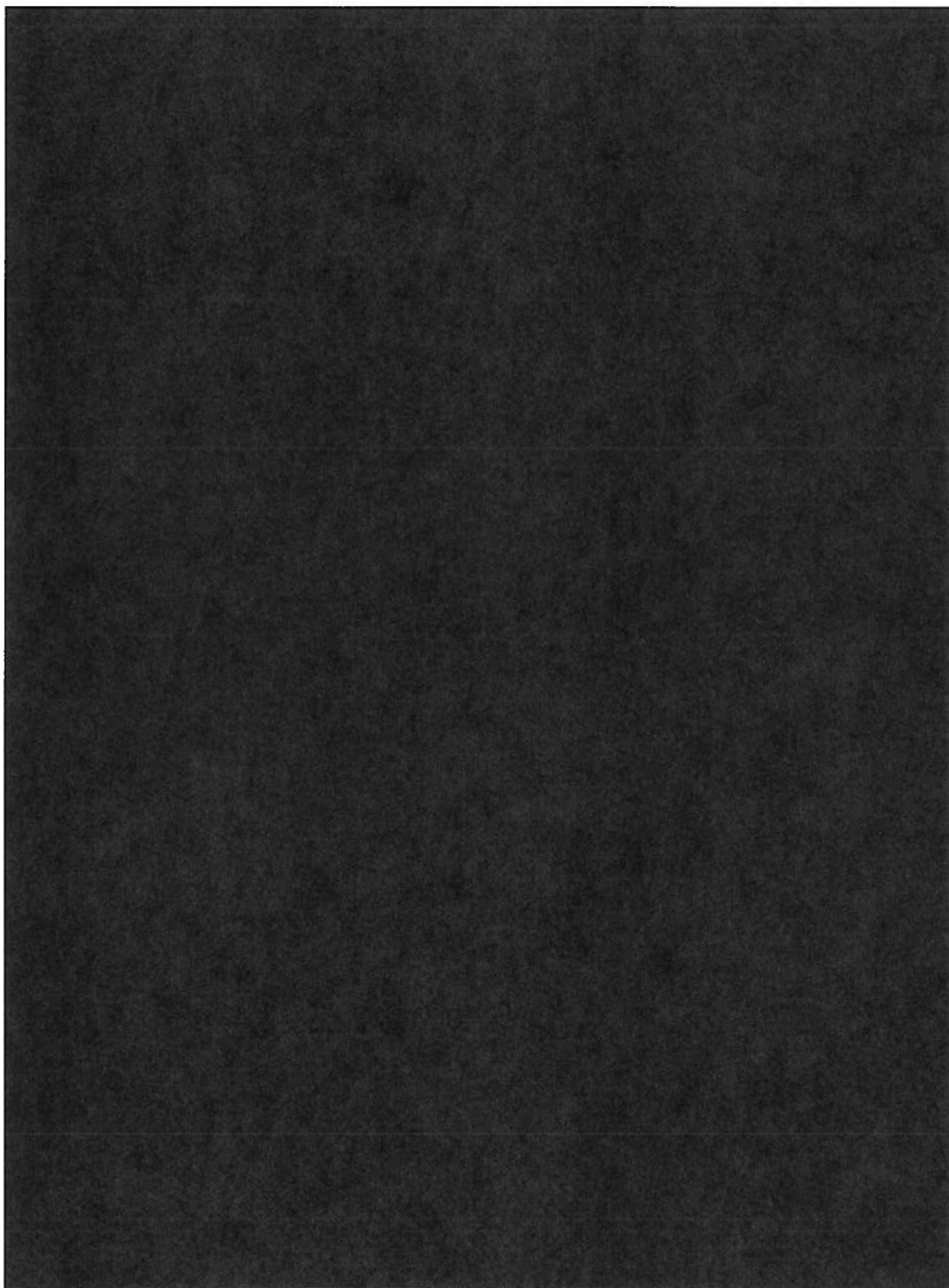
WHEREAS, to avoid the costs, disruption, and distraction of further litigation under the Petition, the Motion, and the filings arising therefrom (collectively, the "Action"), and without admitting the validity of any allegation made in the Action, the Parties have agreed to resolve any and all claims, disputes, and all matters that were raised or that could have been raised in the Action; and

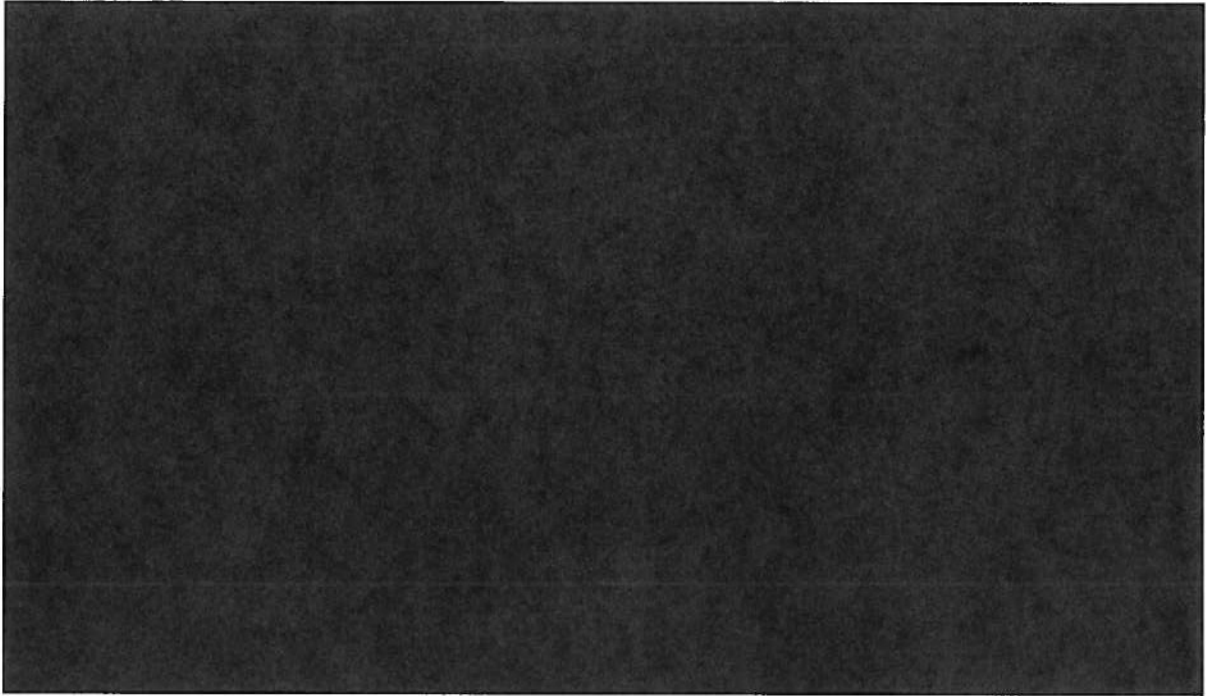
WHEREAS, the Parties agree that the terms of this Agreement are narrowly tailored to address Ganymede's project as of the Effective Date, and in no way represent what may be appropriate for other projects or other scenarios.

NOW, THEREFORE, for and in consideration of the mutual promises hereinafter expressed, it is hereby agreed by and between the Parties as follows:









[signature pages follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement under seal, as of the Effective Date.

GANYMEDE SOLAR, LLC

DocuSigned by:
Noah Hye
EA1FD5869B40485
By: Noah Hye
Its: Authorized Person

STATE OF SOUTH CAROLINA
COUNTY OF _____

Personally appeared before me _____, to me known to be the person described herein and who executed the foregoing Confidential Settlement Agreement and Mutual Release and acknowledged that he/she executed the same as his/her free act and deed.

Sworn to before me this _____ day of _____, 2020.

_____(SEAL)
Notary Public for _____
My Commission Expires: _____

DOMINION ENERGY SOUTH CAROLINA, INC.

P. Xanthakos
By: Pandelis Xanthakos
Its: VP. Electric Transmission

STATE OF SOUTH CAROLINA
COUNTY OF Lexington

Personally appeared before me P. Xanthakos, to me known to be the person described herein and who executed the foregoing Confidential Settlement Agreement and Mutual Release and acknowledged that he/she executed the same as his/her free act and deed.

Sworn to before me this 13 day of march, 2020.

Beth Elaine Brazell (SEAL)
Notary Public for Lexington, SC
My Commission Expires: 10/22/23



